



Labour and Advanced Education  
Occupational Health and Safety

1-800-952-2687 (1-800-9LABOUR)  
<http://www.gov.ns.ca/lae/healthandsafety>

## Compliance Orders

Issued Under the Occupational Health and Safety Act

File Ref #: 2534177

Inspection No. 1233210061

Inspection Date: September 20, 2012

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**Inspectee:** CLEARWATER SEAFOODS LIMITED PARTNERSHIP  
**Operating As:** CLEARWATER SEAFOODS LIMITED  
PARTNERSHIP

**Mailing Address:** 757 BEDFORD HIGHWAY  
BEDFORD NS B4A3Z7

Related to the work being conducted at:

**Worksite Location:** Atlantic Guardian

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**TAKE NOTICE THAT YOU ARE TO COMPLY WITH THE FOLLOWING  
ORDERS ISSUED UNDER THE AUTHORITY OF THE OCCUPATIONAL  
HEALTH AND SAFETY ACT.**

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**Order:** 1233210061-001

Occupational Health and Safety Act  
55-4 Orders and consequences of orders

Where an officer makes an order pursuant to subsection (1) and finds that the matter or thing referred to therein is a source of danger or a hazard to the health or safety of a person at the workplace, the officer may order that

- (a) any place, device, equipment, machine, material or thing not be used until the order is complied with;
- (b) work at the workplace or any part of the workplace stop until the order to stop work is withdrawn or cancelled by an officer;
- (c) the workplace or any part of the workplace be cleared of persons and isolated by barricades, fencing or any other means suitable to prevent access thereto until the danger or hazard is removed.

In order to be in compliance with this section, you must:

**Ensure that the automatic shucking machines on the Atlantic Guardian, Atlantic Protector,**

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and Atlantic Preserver are not used until such time as orders 1233210061-002 and 1233210061-003 are complied with, and notice has been given by the undersigned officer that these orders have been closed.

**This order must be complied with by October 19, 2012**

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**Order:** 1233210061-002

Occupational Safety General Regulations  
15-b Ventilation

An employer shall where a process is carried on that produces a gas, vapour, dust or other impurity that is likely to be inhaled to an injurious extent by a person in the workplace, provide and use such mechanical means as are capable of

- (i) preventing such inhalation so far as is reasonably practicable,
- (ii) effectively carrying off and disposing of the impurity, and
- (iii) preventing the recirculation and re-entry into the workplace of air containing the impurity.

In order to be in compliance with this section, you must:

**Ensure that local exhaust ventilation is installed on all automatic shucking technology (AST) machines, that will capture contaminants generated by the AST machines at the source, such as the top of the wheel where the saw cuts the scallop shells, and at the bottom of the wheel where the knife removes the scallops and the shells are released. The Employer shall also ensure that the contaminants are exhausted directly from the work area such that they do not re-enter the work or living space within the vessel.**

**This order must be complied with by November 05, 2012**

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**Order:** 1233210061-003

Occupational Safety General Regulations  
13-3 Respiratory hazard

An employer shall ensure compliance with CSA standard CSA Z94.4-93 (R1997), "Selection, Use, and Care of Respirators", in respect of

- (a) the training of users of self-contained respiratory protective equipment; and
- (b) the use, maintenance and testing of respiratory protective equipment.

In order to be in compliance with this section, you must:

**Ensure that a respiratory protection program is put in writing, and adopted in practice. The program must include hazard identification, respirator selection, employee education in the respiratory hazards they are likely to encounter in the workplace and the limitations**

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of the respiratory protection that they are required to use. The program must also include medical assessment by a physician to determine whether each employee who is required to wear a respirator is fit to wear a respirator. Employees must be fit-tested and trained in the procedures and schedules for the inspection, use, cleaning, disinfection, maintenance, cartridge replacement, and storage of the respiratory protection that they are required to use. Provisions for program evaluation must be established.

For this order to be closed, the following items must be provided to the undersigned officer: a copy of a fit test record for each employee required to wear a respirator; the written consent of a physician indicating that each employee required to wear a respirator is physically fit to do so; and a copy of the written respiratory protection program.

**This order must be complied with by November 05, 2012**

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**Order:** 1233210061-004

Occupational Health and Safety Act

52 Power to require reports, assessments and tests

Where

- (a) an officer determines that there may be a risk to health or safety; and
  - (b) an employer, owner, contractor or constructor fails to establish that it would not be reasonably practicable to carry out the order,
- the officer may order, at the expense of the employer, owner, contractor or constructor that the employer, owner, contractor or constructor, as the case may be,
- (c) obtain a report or assessment from a person who possesses such special expert or professional knowledge or qualifications as are specified by the officer for the purpose of determining whether any biological, chemical or physical agent, material, equipment, machine, device, article, thing or procedure, in or about a workplace, conforms with this Act or the regulations or good professional practice; and
  - (d) cause any tests necessary to the production of the report or assessment to be conducted or taken.

In order to be in compliance with this section, you must:

**Ensure that a representative number of samples is taken by a qualified consultant to assess employee exposure to both airborne, respirable particulate, and airborne metal particulate in the factory when all AST machines are operating under normal, or worst case conditions. Personal samples must be taken and the analysis of results must take into account the duration and frequency of the shifts that employees typically work in the factory. For this order to be closed, a copy of the sampling results and a summary of corrective action, if any, must be provided to the undersigned officer, along with a timeline for the implementation of any corrective action.**

**This order must be complied with by November 19, 2012**

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## Important Notes:

1. Compliance with an order issued by an OHS officer is expected and required by law. Where an order is issued you are required to submit a Compliance Notice to the officer named below identifying the action taken to comply with the order. Failure to submit your Compliance Notice(s) can result in a Summary Offence Ticket.

Submitting a Compliance Notice does not prevent the issuance of an Administrative Penalty. Where a contravention of the OHS Act and regulations has been recorded it will be considered for an administrative penalty.

2. If you are the employer that has been issued this order(s) you are required to post a copy of the order(s) in a prominent place. You are also required to give a copy of the order(s) to the joint occupational health and safety committee or health and safety representative, if they exist in your workplace.

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The Compliance Order report was provided to \_\_\_\_\_ by:

Officer Name: \_\_\_\_\_

Officer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

These orders were produced by Beth M Campbell, Occupational Health and Safety Officer, who may be contacted at:

Occupational Health and Safety Division

Labour and Advanced Education

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Halifax, NS B3J 2T8

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Section 67 and 69 of the Occupational Health and Safety Act allows orders and some decisions to be appealed. To get information and the required forms, see our Infosheet on Appeals at <http://www.gov.ns.ca/lae/healthandsafety/appealsOHSAct.asp> or call 902-424-5400 or 1-800-952-2687 (1-800-9LABOUR).

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